

FILED

FEB - 6 2023

CLERK, U.S. DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA
 BY ak
 DEPUTY CLERK

Brandon Hunter - 2359710

Name and Prisoner/Booking Number

Sacramento County Main Jail

Place of Confinement

651 "I" Street

Mailing Address

Sacramento, CA 95814

City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF CALIFORNIA**

Brandon Eugene Hunter

(Full Name of Plaintiff)

Plaintiff,

v.

CASE NO. 2:22-cv-01520-JDP (PC)

(To be supplied by the Clerk)

(1) Sacramento County

(Full Name of Defendant)

(2) Doe 1(3) Doe 2(4)

Defendant(s).

 Check if there are additional Defendants and attach page 1-A listing them."Jury Trial Demanded"

**CIVIL RIGHTS COMPLAINT
 BY A PRISONER**

- Original Complaint
 First Amended Complaint
 Second Amended Complaint

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

 28 U.S.C. § 1343(a); 42 U.S.C. § 1983 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971). Other: _____2. Institution/city where violation occurred: Sacramento County Main Jail

B. DEFENDANTS

1. Name of first Defendant: Sacramento County Municipal Corporation. The first Defendant is employed as: at Sacramento County Main Jail.
(Position and Title) (Institution)
2. Name of second Defendant: John Doe 1 Ortho Doctor. The second Defendant is employed as: at Sacramento County Main Jail.
(Position and Title) (Institution)
3. Name of third Defendant: John Doe 2 Unknown. The third Defendant is employed as: at Sacramento County Main Jail.
(Position and Title) (Institution)
4. Name of fourth Defendant: _____ . The fourth Defendant is employed as:
_____ at _____.
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? Yes No
2. If yes, how many lawsuits have you filed? 7. Describe the previous lawsuits:
 - a. First prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?)

 - b. Second prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?)

 - c. Third prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?)

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

D. CAUSE OF ACTION**CLAIM I**

1. State the constitutional or other federal civil right that was violated: Violation of Due Process.

2. **Claim I.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

- | | | | |
|--|---|---|--|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input checked="" type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim I. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

- 1.) In 2016 Plaintiff began having sever shoulder pain.
- 2.) Plaintiff sought treatment and was given an MRI of the right shoulder in 2017.
- 3.) Plaintiff was diagnosed with a 360° torn labrium.
- 4.) Surgery was recommended and required to fix. Plaintiff wanted the surgery, but was released from the California Men's Colony in 2018, before the surgery could be completed.
- 5.) From July 2018 to December 2020 Plaintiff suffered from homelessness, mental health issues, and multiple incarcerations, that made it impossible for plaintiff to seek treatment and recieve surgery on the right shoulder.
- 6.) Plaintiff was arrested in Los Angeles County in December 2020. Plaintiff was then exterted to Sacramento County in November 2021. Plaintiff has remained in custody from December 2020 to the present of February 2023.
- 7.) Plaintiff sought surgery in Los Angeles but was transferd to Sacramento.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

Constant suvier neck and shoulder pain. Mental anguish, worry, timidness, distress.

5. **Administrative Remedies:**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- b. Did you submit a request for administrative relief on Claim I? Yes No
- c. Did you appeal your request for relief on Claim I to the highest level? Yes No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. _____

1 before I could receive the surgery.

2 8.) Upon arrival at Sacramento County Main Jail,
3 plaintiff immediately began putting in medical request
4 to get the surgery, complaining of pain a suffering,
5 and the lack of daily functioning activity due to the
6 extent of the injury, and the lack of arm
7 mobility.

8 9.) It should be noted this shoulder injury is around
9 7 years old and requires surgery. Plaintiff has been
10 incustody for approximately 26 months, and still has
11 not received that surgery or even an MRI to asses
12 any new damage to the shoulder. Plaintiff has
13 been in Sacramento County Main Jail for 14 of those
14 26 months.

15 10.) Plaintiff has been left in pain and suffering the
16 entire 14 months while housed in Sacramento County
17 main Jail. The injury effects Plaintiff's day to day
18 functioning activities.

19 11.) In the last 7 years multiple incidents have
20 occurred that has aggravated the injury, including
21 multiple incidents while house here in Sacramento
22 County. Plaintiff believes and has complained
23 to multiple medical personell at Sacramento County
24 Main Jail, that I need another MRI to asses
25 new injuries to the shoulder.

26 12.) Plaintiff was eventually referred to Ortho
27 in 2022, to asses the need for an MRI and
28 Surgery. Plaintiff saw Ortho, and the Specialist

1 ordered an MRI.

2 13.) After months of waiting for the MRI,
3 Plaintiff filed a grievance. Plaintiff spoke to
4 medical personal again, who ordered pain
5 medications and sent me to Ortho again.

6 14.) When plaintiff saw Ortho again, it was
7 the same individual "John Doe 1". Plaintiff
8 was informed by John Doe 1 that an unknown
9 individual claimed I refused the MRI some
10 months back. I informed John Doe 1 I never
11 was asked if I wanted to go get an MRI, and
12 that I never refused the MRI. John Doe 1
13 continued to explain that was the reason
14 for the delay. While talking to John Doe 1, I
15 complained of pain in both shoulders. John
16 Doe 1 decided to order an MRI on the Left
17 Shoulder and put in an order for surgery on
18 the right shoulder. I told John Doe 1 I wanted
19 an MRI on the right shoulder because there
20 may be new damage since the last MRI
21 was taken about 6 years ago. He refused to
22 order the MRI for the right shoulder, but
23 put in the request for surgery on it. His order
24 for surgery was based on the information I
25 provided him of the 6 year old MRI, that
26 showed I had a 360° tear in my right
27 labrum. Plaintiff is highly concerned, due to
28 John Doe 1's refusal to order a new MRI

1 on the right shoulder to assess any new damage,
2 that if the surgery is performed, the shoulder
3 might not be fully repaired, and require
4 multiple surgeries. Or that the Doctor would
5 refuse the surgery until a recent MRI
6 is obtained, so he can fully assess the
7 extent of damage to the shoulder. In which
8 case that would cause an unnecessary
9 delay in treatment, leaving plaintiff in
10 prolonged pain and suffering.

11 15.) Plaintiff has since received the MRI on
12 the left shoulder. But after months of waiting
13 the surgery on the right shoulder has not taken
14 place. John Doe 1 claimed the right shoulder was
15 an elective surgery, and that it may not be
16 approved. Plaintiff pain medication has also been
17 discontinued.

18 16.) Plaintiff is unsure who John Doe 2 is and
19 does not know their position or title or what
20 capacity they operate in. But plaintiff alleges
21 John Doe 2 is responsible for approving Plaintiff's
22 surgery or not. Plaintiff at this time is unsure
23 if John Doe 2 is an individual or a group
24 of individuals. But Plaintiff believes this individual
25 or group of individuals is responsible for the
26 delay in Plaintiff's surgery.

27 17.) If service of this complaint on defendants
28 is granted, Plaintiff will file discovery motions

1 to obtain the names of John Doe 1 and
2 John Doe 2.

3 18.) Plaintiff will also file motions of discovery
4 to obtain exact dates.

5 19.) Plaintiff believes John Doe 1 is guilty of
6 deliberate indifference for refusing to order
7 another MRI on the right shoulder, after the
8 first MRI was cancelled. Plaintiff's position and
9 belief is this will lead to prolonged pain and
10 suffering, because any surgeon performing the
11 surgery will require an up-to-date MRI, to
12 fully assess the extent of damage to provide
13 the surgery. Or if the Dr. does perform the
14 surgery, it may require multiple other surgeries
15 to fully repair the shoulder. Leaving the plaintiff
16 in prolonged pain and suffering in any case.

17 20.) Plaintiff believes John Doe 2 is guilty of deliberate
18 indifference, because this individual or individuals
19 has failed to approve and schedule plaintiff's
20 surgery within a timely manner, leaving the
21 plaintiff in prolonged pain and suffering.

22 21.) Plaintiff believes Sacramento County is at fault
23 because lack of adequate treatment in a
24 timely manner, has become a custom as
25 outlined in Mays v. Sacramento, due to jail
26 over population. Sacramento County is responsible
27 for the medical treatment of the Sacramento
28 County jails inmate population.

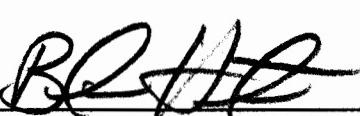
E. REQUEST FOR RELIEF

State the relief you are seeking:

11,000,000 for pain and suffering.
Injunctive relief to require an MRI of the right shoulder.
Injunctive relief to require surgery of the right shoulder.
Any other relief the Courts deem necessary.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 2/2/23
DATE



SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or
other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space you may attach more pages, but you are strongly encouraged to limit your complaint to twenty-five pages. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages. Remember, there is no need to attach exhibits to your complaint.